

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

EQUITABLE FINANCIAL LIFE  
INSURANCE COMPANY,

Plaintiff,

v.

CANOPY ORCHARDS, LLC, et al.,

Defendants.

Case No. 1:23-cv-00589-CDB

**ORDER ON STIPULATED REQUEST  
EXTENDING *NUNC PRO TUNC*  
DEFENDANTS' TIME TO FILE  
RESPONSIVE PLEADING**

(Doc. 10)

This action originally was filed in the Superior Court of the State of California, County of Kern, on February 21, 2023, and was removed to this Court on April 17, 2023. (Doc. 1). On May 22, 2023, the parties filed a “Joint Request to Stay Case for Thirty Days” in which they seek to temporarily stay all deadlines, including any obligation to file a response to the complaint, for a period of 30 days. (Doc. 10 at 1). However, the parties also represent that this temporary stay “shall not preclude any proceedings on a motion or other pleading seeking relief.” (*Id.*) In addition, the parties represent that the scheduling conference currently set for July 21, 2023, should proceed as scheduled. (*Id.* at 2).

Assuming Plaintiff effected service of process properly, the time for all three defendants to answer has expired. Thus, the parties stipulated that Defendant Canopy Orchards, LLC, would answer by May 15, 2023 (Doc. 5), and Defendant U.S. Small Business Administration would

1 answer by May 22, 2023 (Doc. 4). Defendant Fresno-Madera Production Credit Association does  
2 not appear to have answered in state court and has not stipulated on the record to an extension of  
3 time to answer in this Court.

4 As the parties have identified no other events aside from the filing of responsive pleadings  
5 that would warrant an extension of time, the Court concludes there is no need or basis to stay the  
6 matter and instead construes the parties' stipulation as a limited request for extension of the time  
7 to file responsive pleadings only. The parties represent that prior to removal, the California state  
8 court had appointed a receiver with respect to some property collateral at issue in the complaint.  
9 (Doc. 10-1). Defendant SBA represents it currently is evaluating information relating to its  
10 interest in the property at issue and will determine whether it will disclaim any further interest in  
11 the property or the outcome of this case. The purpose of this extension is to grant SBA sufficient  
12 time to reach a determination in respect to the collateral property at issue. The parties proffer that  
13 the requested 30-day extension would conserve the Court's resources and would also materially  
14 advance the resolution of the litigation. The Court finds that those reasons constitute good cause.

15 Accordingly, based on the parties' representations in the stipulation and supporting  
16 documents, and for good cause shown, IT IS HEREBY ORDERED, Defendants shall file their  
17 responsive pleadings to the complaint by no later than **June 22, 2023**.

18 IT IS SO ORDERED.

19 Dated: **May 23, 2023**

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UNITED STATES MAGISTRATE JUDGE